

Staci Burk
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Gilbert, Arizona 85295
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(480) 343-4518
Proper

DISTRICT COURT OF ARIZONA
UNITED STATES DISTRICT COURT

STACI BURK,

Plaintiff,

VS.

**SENATOR KELLY TOWNSEND, A
SINGLE WOMAN IN HER PERSONAL CAPACITY
ACTING UNDER "COLOR OF LAW" AS A
GOVERNMENT OFFICIAL, AND DOES I-X.**

Defendant.

Case No: 2:22-cv-01967- DMF

MOTION TO RECONSIDER

EXTENSION OF TIME

*(Assigned to the Honorable
Deborah Fine)*

Pursuant to Fed. R. Civil Proc. 59(e), Plaintiff Staci Burk respectfully requests the Court reconsider extending the time frame for Plaintiff to file an amended complaint based on facts unknown to Plaintiff and the Court at the time of its ruling.

1 Plaintiff respectfully honors the Court's position that she was aware of Defendant's
2 opposition to her complaint in late March 2023. Once Plaintiff learned of the Motion to Dismiss,
3 she spent the next two to three weeks preparing her response. Also, having read the Rule the
4 Court referred to in its ruling, Plaintiff attempted to reach out to Defendant for a meet and confer
5 (Ex. A). Defendant's Counsel was short with Plaintiff and did not wish to discuss the substance
6 of Plaintiff's case, stating that if she had a settlement offer, he would pass that to his client.
7 Plaintiff proposed a reasonable offer and received no response. Plaintiff filed her Motion to
8 Amend and shortly afterward became seriously ill with stress exacerbated cardiac issues and
9 other medical complications and was subsequently hospitalized at the end of April.
10
11

12 Plaintiff has been hospitalized since and remains hospitalized at this time. Doctors have
13 stated they prefer Plaintiff avoid outside stress while hospitalized as during the course thus far of
14 the hospital stay, they have had difficulty controlling systemic hypertension. The planned cardiac
15 procedure has currently been delayed until mid June. Plaintiff's doctors asked Plaintiff to seek a
16 stay on time to begin working on responding until they can stabilize her cardiac and other
17 medical needs without added burden of further stress such as working on the amended complaint
18 while hospitalized. Plaintiff's current anticipated discharge according to the doctors is late May
19 or early June.
20
21

22 It is also burdensome and difficult to prepare the amended complaint while hospitalized
23 due to requiring multiple other persons and assistance to print, scan, sign, upload, and file, as
24 well as not having easy access while in the hospital to any documents needed for adequate
25 preparation of the amended complaint. Plaintiff also has limited internet access and ability to
26 prepare an amended complaint due to care needs and treatments. Plaintiff's doctors have
27 expressed willingness to certify to the Court that, in their opinion, Plaintiff is medically
28

unavailable to begin preparing an amended complaint until at least the second week of June and has been since the second week of April.

Conclusion

Based on the foregoing, Plaintiff respectfully requests the Court reconsider extending the 30-day timeframe to file her amended complaint.

Pursuant to 28 U.S.C. § 1746, I Staci Burk, hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed on May 12, 2023.



STACI BURK
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Filed this 12th day of May 2023;

United States District Court
District of Arizona
401 W. Washington St., Suite 130, SPC 1
Phoenix, AZ 85003-2118
602-322-7200

CERTIFICATE OF SERVICE

I hereby certify that on May 12, 2023, I filed the foregoing document to the Clerk of the Court copy of the foregoing sent via e-filing to:

Dennis I. Wilenchik, #005350
John "Jack" D. Wilenchik, #029353
Jordan C. Wolff, #034110
admin@wb-law.com
Attorneys for Defendant Kelly Townsend

Attorneys for Defendant Kelly Townsend

By: _____

Exhibit A

Meet and confer

From: Staci Griffin-Burk (stacigriffinburk@yahoo.com)

To: jackw@wb-law.com

Date: Wednesday, March 29, 2023, 09:44 AM PDT

Hi Jack,

Would you have some time this week to schedule a meet and confer on the Kelly Townsend case?

I would like to discuss the case with you at your convenience.

Thanks in advance.

Regards,

Staci Burk

RE: Meet and confer

From: Jack Wilenchik (jackw@wb-law.com)
To: stacigriffinburk@yahoo.com
Cc: JordanW@wb-law.com
Date: Wednesday, March 29, 2023, 12:52 PM PDT

I'm in the office today/tomorrow and my number is 602-606-2816 direct. If you cannot reach me then please feel free to call the general line (602-606-2810) and ask for Jordan Wolff, copied.

I am not aware of any formal "meet-and-confer" obligation(s) that need to be met at this stage of the case, but I assume what you mean is that you just want to have a phone call. If you cannot reach me or Jordan then please feel free to send an email instead. Regards – Jack Wilenchik, Esq.



Jack Wilenchik
Attorney at Law
JackW@wb-law.com

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From: Staci Griffin-Burk <stacigriffinburk@yahoo.com>
Sent: Wednesday, March 29, 2023 9:44 AM
To: Jack Wilenchik <JackW@wb-law.com>
Subject: Meet and confer